

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERNEST R. BALL, a/k/a DAVID WINWOOD,	)	
Petitioner,	)	
	)	2:18cv991
vs.	)	Electronic Filing
	)	
MARK CAPOZZA, et al.,	)	
Respondents.	)	

ORDER

AND NOW, this 31st day of August, 2018, after the petitioner, Ernest R. Ball, a/k/a David Winwood, filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the petitioner a period of time after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the petition and upon consideration of the Magistrate Judge's Report and Recommendation (ECF No. 2), which is adopted as the opinion of this Court,

IT IS ORDERED that the petition for a writ of habeas corpus filed by petitioner (ECF No. 1) is dismissed as a successive petition and, because reasonable jurists could not conclude that a basis for appeal exists, a certificate of appealability is denied.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/ DAVID STEWART CERCONI  
David Stewart Cercone  
Senior United States District Judge

cc: Ernest R. Ball  
AJ-0601  
SCI Fayette  
48 Overlook Drive  
Labelle, PA 15450-1050  
(Via First Class Mail)